**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARLAN PENTON,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 4:15CV1097 RWS
	)	
CINDY GRIFFITH,	)	
	)	
Respondent,	)	

MEMORANDUM AND ORDER

Marlan Penton petitions the Court for a writ of habeas corpus under 28 U.S.C. § 2254. The petition is successive, and I will dismiss it pursuant to Rule 4 of the Rules Governing § 2254 Proceedings.

On September 3, 1996, Penton pled guilty to raping a child, burglary, felonious restraint, robbery, armed criminal action, stealing, and assault. *Penton v. Luebbers*, No. 4:99CV1952 RWS (E.D. Mo.). The trial court sentenced him to life imprisonment. *Id.* Petitioner brought an untimely § 2254 petition in this Court challenging the judgment. *Id.* I denied the petition because it was untimely and because it failed on the merits. *Id.*

In the instant petition, Penton argues that the state court is taking too long to rule on his motion to reopen his Rule 24.035 case and that the state court lacked jurisdiction to try him.

To the extent that petitioner seeks to relitigate claims that he brought in his original petition, those claims must be denied pursuant to 28 U.S.C. § 2244(b)(1). To the extent that petitioner seeks to bring new claims for habeas relief, petitioner must obtain leave from the United States Court of Appeals for the Eighth Circuit before he can bring those claims in this

Court. 28 U.S.C. § 2244(b)(3)(A). Petitioner has not been granted leave to file a successive habeas petition in this Court. As a result, the petition is dismissed.
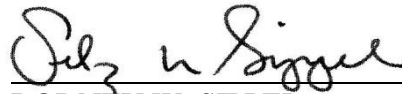
Finally, Penton has failed to demonstrate that jurists of reason would find it debatable whether the petition is successive. As a result, I will not issue a certificate of appealability. 28 U.S.C. § 2253(c).

Accordingly,

IT IS HEREBY ORDERED that the petition is **DENIED**, and this action is **DISMISSED**.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

Dated this 21st day of July, 2015.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE